

From: Andrew Drazdik Jr
To: Comments
Subject: [EXTERNAL MESSAGE] RIN 3064-AF86
Date: Monday, December 19, 2022 5:36:30 PM

Comment as volunteer lobbyist:

Andrew Stephen Drazdik Jr

Subject:

Resolution-Related Resource Requirements for Large Banking Organizations 12 CFR Chapter III RIN 3064-AF86

Advance notice of proposed rulemaking; request for comment [87 FR 64170](#)

Volunteer Lobbying U.S. Congress

19th December 2022

Leased assets with capital formation of bank equity has a different structure with off balance sheet accounts. Leased assets that a business going concern has contract obligations are recognized by the European Union and human rights of European Parliament official journal of the European Union, DIRECTIVE 2014/59/EU. The contracts of bank insolvency has a mutual ethical concern with the rulemaking of the Federal Deposit Insurance Corporation that this comment offers mutual concern [federal register, RIN 3064-AF86].

Economic Gain: Consultative information and advice on rule making and regulation authority with the federal government of the United States and federal register has no purpose of economic gain. Compliance, from industry practice and know how, is for the maintenance of business confidential trade secrets as commercial activities and compliance is conducted for goods and services.

---Only an official version of the Federal Register document provides legal notice to the public and judicial notice to the courts under [44 U.S.C. 1507.](#), see also, [Federal Register :: Home - Monday, March 21st](#)

---...Disclosures made by an employee to an agency ethics official are not protected by an attorney-client privilege. An agency ethics official is required by 28 U.S.C. 535 to report any information he receives relating to a violation of the criminal code, title 18 of the United States Code. From, [5 CFR § 2635.107](#) Ethics advice.

In review, preamble position of European Parliament official journal of the European Union, DIRECTIVE 2014/59/EU. When contractual and or insolvency are within the scope of

business as stated within the sections of the preamble sections; 38, 78, 93, and 94.

Sections [Captions];

(38)...It is, therefore, appropriate to set out under which conditions financial support may be transferred among entities of a cross-border group of institutions with a view to ensuring the financial stability of the group as a whole without jeopardising the liquidity or solvency of the group entity providing the support. Financial support between group entities should be voluntary and should be subject to appropriate safeguards.

(78) Where there are exemptions of liabilities such as for payment and settlement systems, employee or trade creditors, or preferential ranking such as for deposits of natural persons and micro, small and medium-sized enterprises, they should apply in third countries as well as in the Union. To ensure the ability to write down or convert liabilities when appropriate in third countries, recognition of that possibility should be included in the contractual provisions governed by the law of the third countries, especially for those liabilities ranking at a lower level within the hierarchy of creditors. Such contractual terms should not be required for liabilities exempted from bail-in for deposits of natural persons and micro, small and medium-sized enterprises or where the law of the third country or a binding agreement concluded with that third country allow the resolution authority of the Member State to exercise its write down or conversion powers.

(93) ...This should not, however, apply to obligations in relation to systems designated under Directive 98/26/EC of the European Parliament and of the Council...

(94) In order to ensure that resolution authorities, when transferring assets and liabilities to a private sector purchaser or bridge institution, have an adequate period to identify contracts that need to be transferred, it might be appropriate to impose proportionate restrictions on counterparties' rights to close out, accelerate or otherwise terminate financial contracts before the transfer is made. Such a restriction would be necessary to allow authorities to obtain a true picture of the balance sheet of the failing institution, without the changes in value and scope that extensive exercise of termination rights would entail.

Supporting evidence:

DIRECTIVE 2014/59/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 May 2014

<https://eur-lex.europa.eu/eli/dir/2014/59/oj>

References:

[Constant purchasing power accounting: Underlying assumptions - Wikipedia](#)

[Off-balance-sheet - Wikipedia](#)

[Leveraged lease - Wikipedia](#)

[Securitization - Wikipedia](#)

Reference of Publications Office of the European Union:

Summary code:

14.09.02.03 Managing risks to banks and financial institutions

EUROVOC descriptor:

[financial intervention](#)

[aid for restructuring](#)

[credit institution](#)

[financial solvency](#)

[investment company](#)

[economic stabilisation](#)

[company in difficulties](#)

[financial aid](#)

Directory code:

10.30.10.00 [Economic and monetary policy and free movement of capital](#) / [Economic policy](#) / [Institutional economic provisions](#)

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